



# CITY OF MEMPHIS

## COUNCIL AGENDA

September 7, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (August 17, 2004)**

## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING (none)

### GENERAL ORDINANCES - SECOND READING

1. **ORDINANCE** to amend Chapter 15, Article I, Section 15-26.1 (Dumpster Regulation) and Article II, Section 15-42 (Designating Special Officer), Code of Ordinances, City of Memphis to authorize the issuance of citations by the Division of Public Works for violations of Section 15-26.1 and to authorize the Director of Public Works to designate special officers for the enforcement of Chapter 15, up for S E C O N D reading.  
Taylor Ordinance No. 5074

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** amending Chapter 25, Code of Ordinances, so as to Revise and Clarify Sections of Pensions and Retirement Plan, up for S E C O N D reading.  
McCormick Ordinance No. 5076

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING

3. **ORDINANCE** rezoning the north side of Fox Plaza Drive; +147 feet east of Mendenhall Road, containing .79 acre in the Local Commercial (C-L) District, up for F I R S T reading.  
Peete Ordinance No. 5077  
Case No. Z 04-130

Applicant: John Galbrath

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

### ZONING ORDINANCE - SECOND READING

4. **ORDINANCE** rezoning the west side of Old Getwell Road; +674 feet north of Winchester Avenue, containing 29.29 acres in the Light Industrial (I-L) District, up for S E C O N D reading.

Peete

Ordinance No. 5075  
Case No. Z 04-129

Applicant: Shelby County Government  
Gordon Olswing – Representative

Request: Multiple Family Residential (R-MM) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

5. RESOLUTION approving final plat of MITCHELL THIRD STREET SUBDIVISION.  
Case No. S 03-032

Resolution approves the final plat located on the southwest corner of Mitchell Road and South Third Street. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATION FROM OPD**

6. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. SUP 04-211

Located on the west side of Lamar Avenue and the east side of Pendleton Avenue; +266.78 feet north of Brandon Circle, containing 0.17 acre in the Highway Commercial (C-H) and Single Family Residential (R-S6) Districts

Applicant: Crown Castle, USA  
Buchart-Horn, Inc. – Representative

Request: Increase the height of an existing cell tower from 100' to 130'

LUCB and OPD recommendation: REJECTION

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: September 21, 2004**

**GENERAL ITEM**

7. RESOLUTION approving temporary structures on the street on September 18, 2004 (Rain date: Sunday, September 19, 2004) from 6:00 a.m. – 10:00 p.m. for Cooper-Young Festival.

Taylor

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION declaring Wednesday, September 22, 2004, R. Brad Martin Appreciation Day.

Sammons

ACTION REQUESTED: Adopt the resolution



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## FISCAL CONSENT

### DIVISION OF GENERAL SERVICES

9. RESOLUTION accepting an offer to purchase property owned by the City and located on the southwest corner of E. Trigg Avenue at Rayburn Street. The amount of the offer is \$18,000.00.

Jones

Resolution accepts an offer from Fields Truckline to purchase City property located on the southwest corner of East Trigg Avenue at Rayburn Street and identified by the Shelby County Assessor's Office as Ward 013, Block 015 and Parcel 01. The property is also identified as 241 East Trigg Avenue. This property was acquired by the City of Memphis for delinquent taxes in Tax Sale #6, Chancery Court Cause #9417-1. T.R.D., as Exhibit #457, in March of 1992. Per ordinance the sale of the subject parcel is NOT subject to the offer laying over for a future Council Meeting for increase of bid. Therefore, resolution approval shall be deemed as approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the sale.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION accepting an offer to purchase unimproved City owned property located on the north side of E. Bodly Avenue and the west side of Prospect Street. The amount of the offer is \$3,150.00.

Jones

Resolution accepts an offer from Adeleke O. Thomas to purchase a parcel by the City of Memphis in Tax Sale #7, Chancery Court Cause #9419-3 R.D., as Exhibit 5465 and identified by the Shelby County Assessor as Ward 049, Block 064, Parcel 021, being the same property conveyed in Deed recorded as Instrument No. V8-1786 in the Shelby County Register's Office, Tennessee also known as Lot 31, Blk 204, South Side Highlands Subdivision, containing 7,500 square feet, more or less (50' x 150'), formerly known for address purposes as 762 E. Bodley. Per ordinance, the sale of the subject parcel is NOT subject to the offer laying over for a future Council Meeting to allow for an increase of bid. Therefore, resolution approval shall be deemed as approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the transfer.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

### DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

11. RESOLUTION authorizes the sale of City owned vacant land at 160 Kirk in the Riverview Kansas Community. The property will be developed for affordable housing. The amount is \$1.00.

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION authorizes the sale of property at 1030 Seventh to C.A.A.P. (Cocaine, Alcohol, Abatement Program, Inc.) for the development of a permanent housing facility for individuals with special needs in the Uptown Area. The property contains 172,236.24 square feet. The stated consideration is \$1.00.

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION authorizes the sale of City owned vacant land at 1126 College in the College and McLemore Community. The property will be developed for affordable housing. The amount is \$1.00.

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PARK SERVICES**

14. RESOLUTION approving completion of plans and specifications for Bickford Playground located at 232 Bickford Avenue, CIP Project Number PK07058, at an estimated amount of \$450,000.00.

McCormick

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION approving completion of plans and specifications for Belz Playground located at Shelby Street and Fernwood Avenue, CIP Project Number PK07078, at an estimated amount of \$350,000.00.

McCormick

ACTION REQUESTED: Adopt the resolution



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

### PRESENTATIONS AND RECOGNITION OF VISITORS

16. RESOLUTION commemorating the life of John L. Smith.  
Brown

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION honoring Jeffrey Thompson.  
Taylor

ACTION REQUESTED: Adopt the resolution

### GENERAL ORDINANCE - THIRD AND FINAL READING

18. **ORDINANCE** to amend Chapter 20, Article I, Section 20-26, Code of Ordinances, City of Memphis to authorize the issuance of citations by the Division of Public Works for violations of Section 20-26 ( Public Property Defacing), up for T H I R D and F I N A L reading.

Hooks

Ordinance No. 5073

ACTION REQUESTED: Take whatever action Council deems advisable

### EXECUTIVE DIVISION (none)

### FINANCE & ADMINISTRATION

19. RESOLUTION appropriating \$1,200,000.00 in G.O. Bonds General in CIP Project Number IS005, Communications Network Expansion and Upgrade for the purpose of connecting remote locations and replacing problematic communications equipment.

Sammons

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION amending the FY 05 CIP Budget by transferring an allocation and appropriation of \$918,566.00 in G.O. Bonds General from IS01005 SAN/Server Consolidation and IS01008 Desktop Standardization into IS01018 Traffic Violation System Replacement, IS01017 Redundant Internet Service Provider and IS01003 Financial/HR System Replacement. Resolution also appropriates \$940,345.00 funded by G.O. Bonds General for CIP IS01003 Financial/HR System Replacement.

Sammons

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION appropriating \$3,700,000.00 in G.O. Bonds General in CIP Project IS008, replace obsolete equipment. This project will provide funds to replace obsolete and increase storage capacity on many of the City's workstations and servers.

Sammons

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (none)

**DIVISION OF GENERAL SERVICES**

22. RESOLUTION appropriating \$300,000.00 in Construction Funds, funded by G.O. Bonds General for energy dollar saving monitor and controls for numerous City facilities.

Jones

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

23. RESOLUTION appropriating \$150,000.00 in G.O. Bonds General in Kirby Parkway Business Center, Project Number CD01047 for infrastructure improvements to streets, drainage and utilities within the center.

Ford

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (none)

**LAW DIVISION** (none)

**DIVISION OF PARK SERVICES**

24. RESOLUTION appropriating an allocation of \$200,000.00 in Construction from the Fiscal Year 2005 Capital Improvement Budget for Fairgrounds Major Maintenance, CIP Project Number PK10005 funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION appropriating \$36,780.00 in Construction from PK07063, Park Drainage funded by G.O. Bonds General chargeable to the Fiscal Year 2005 Capital Improvement Budget. Funding is for building a detention pond at Audubon Park.

McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (none)

**DIVISION OF PUBLIC SERVICES**

26. RESOLUTION approving an agreement to convey an easement to Nucor Steel for access to Paul R. Lowry Road.

Sammons

Contract No. CR-4890

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS**

27. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$540,000.00 in G.O. Bond Funds from Shady Grove/Briarcrest to Shady Grove, Project Number PW01015 to Forest Hill-Irene to Walnut Grove, Project Number PW01059 for the acquisition of property.

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION amending the FY 2005 Capital Improvement Budget by appropriating \$256,931.00 in G.O. Bonds Funds to be deposited in the LGIP account for Sam Cooper Parkway, Project Number PW01016 State Project STP-M-4032 (5).

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION amending the FY 2005 Capital Improvement Budget by appropriating \$3,238,133.00 in G.O. Bonds for Asphalt Paving, Project Number PW01040 for paving of city streets.

Holt

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCES - THIRD AND FINAL READING**

30. ORDINANCE rezoning the north side of Brooks Road opposite the intersection of Graves Road, containing 27.421 acres in the Light Industrial (I-L) & Light Industrial Flood Plain (I-L[FP]) Districts, up for T H I R D and F I N A L reading.(Held from 7/20; 8/3)

Peete

Ordinance No. 5068  
Case No. Z 04-115  
(Companion Case: SUP 04-206)

Applicant: Pull-A-Part of TN, LLC  
SR Consulting, LLC – Representative

Request: Heavy Industrial (I-H) & Heavy Industrial Flood Plain (I-H[FP]) Districts

OPD recommendation: APPROVAL

LUCB recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**29 NOTICES MAILED ON JULY 9, 2004**

31. ORDINANCE rezoning the southeast corner of Thomas Street and Knox Street, containing .23 acres in the Planned Commercial (C-P) District, up for T H I R D and F I N A L reading. (Held from 8/3)

Peete

Ordinance No. 5069  
Case No. Z 04-124

Applicant: Paul E. Harless  
Marshall Law – Representative

Request: Amend the Planned Commercial (C-P) on Lots 103 and 104 to permit a car wash facility, rezone Lot 77 from Planned Commercial (C-P) to Single Family Residential (R-S6)

LUCB recommendation: APPROVAL of amended C-P and rezoning to R-S6

OPD recommendation: REJECTION of request for Local Commercial

ACTION REQUESTED: Take whatever action Council deems advisable

**63 NOTICES MAILED ON JULY 23, 2004**

**DIVISION OF PLANNING & DEVELOPMENT**

32. RESOLUTION approving a special use permit located on the northwest corner of Macon Road and Jamerson Road, containing .89 acre in the Local Commercial (C-L) District.

Peete

Case No. SUP 04-216

Applicant: Nextel Communications  
Wireless Solutions-Rex Currie – Representative

Request: Increase height of existing Communications Tower from 104 feet to 115 feet

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

**PUBLIC HEARINGS**

33. RESOLUTION approving a planned development located on the west side of Pisgah Road; +1,623.1 feet north of Macon Road, containing 16.60 acres in the Vacant land ~ Agricultural (AG) District.

Peete

Case No. PD 04-329cc

Applicant: Rusco  
Michael Fahy – Representative

Request: The request is for a sixty four (64) lot residential development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**77 NOTICES WILL BE MAILED ON AUGUST 27, 2004**

34. RESOLUTION approving a planned development located on the north side of Park Avenue; +345 feet west of Perkins road, containing 2.43 acres in the Single Family Residential (R-S10) District. (Held from 8/17)

Peete

Case No. PD 04-335

Applicant: John Gallina  
Davis Engineering Company – Representative

Request: A planned development to permit 9 single family detached lots, minimum lot size of 5,997 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**34 NOTICES MAILED ON AUGUST 6, 2004**

35. RESOLUTION approving a planned development located on the east side of Houston Levee Road +/-1,315 feet at the northern terminus of Lawson Drive and +/-150 feet north of its intersection with Spruce Grove Lane, containing 10.58 acres in the Agricultural (AG) District.

Peete

Case No. PD 04-338cc

Applicant: Rusco Company  
Prime Development Group – Michael Fahy – Representative

Request: Planned development to permit forty three (43) single family homes with minimum lot sizes of 8,000 sq. ft. within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**29 NOTICES MAILED ON AUGUST 27, 2004**

36. RESOLUTON approving a planned development located on the east side of Riverdale Road; north and south sides of Malco Crossing, containing 7.03 acres in the Vacant land currently governed by P.D. 97-338cc (Hickory Trace Commons Planned Development).

Peete

Case No. PD 04-346



Applicant: Mattiace Properties  
Prime Development Group, Michael J. Fahy – Representative

Request: Amend existing uses in Area “B” to allow a car wash

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**23 NOTICES MAILED ON AUGUST 27, 2004**

37. RESOLUTION approving a special use permit located on the north side of Brooks Road; opposite of the Graves Road intersection, containing 27.421 acres in the Light Industrial (I-L) and Light Industrial FloodPlain (I-L[FP]) Districts.(Held from 7/20; 8/3)

Peete

Case No. SUP 04-206  
(Companion Case: Z 04-115/Ord. #5068)

Applicant: Pull-A-Part of Tennessee, LLC  
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Automobile dismantling and recycling (contingent on rezoning to Heavy Industrial (I-H) & (I-H[FP]) in companion case Z 04-115)

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**28 NOTICES MAILED ON JULY 9, 2004**

**GENERAL ITEM**

**ADJOURNMENT**

**ADD-ONS**

38. RESOLUTION approving a hotel waiver for 2715 and 2705 Cherry Road for Campaigne Place Memphis One Hotel.

Peete

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION declaring October 4-8, 2004 as “Minority Enterprise Development Week”.

Consent

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION accepting SOUTH END, PHASE 1, and authorizing release of bond.

Consent

(Contract No. CR-4842)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of the intersection of Tennessee Street and Georgia Avenue. The standard improvement contract was approved on December 16, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$137,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

62. RESOLUTION to authorizing demolition of a residential structure at 2000-2002 Charles Bryan Road.

Peete

Applicant: Belz Enterprises  
Ron Belz – Representative

ACTION REQUESTED: Adopt the resolution

63. RESOLUTION honoring Patricia Bush.

Jones

ACTION REQUESTED: Adopt the resolution

64. RESOLUTION accepting MEMPHIS OAKS DISTRIBUTION CENTER TUNNEL TO 4010 EAST HOLMES ROAD and authorizing release of bond.

Consent

(Contract No. CR-4825)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at 4010 Holmes Road, between Getwell Road and Malone Road. The standard improvement contract was approved on October 21, 2003. Resolution also authorizes the release of the performance bond in the amount of \$783,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

65. RESOLUTION accepting MEMPHIS OAKS DISTRIBUTION CENTER SEWER IMPROVEMENTS and authorizing release of bond.

Consent

(Contract No. CR-4817)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat locate on the northeast corner of the intersection of Getwell Road and Holmes Road. The standard improvement contract was approved on September 2, 2003. Resolution also authorizes the release of the performance bond in the amount of \$83,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

66. **ORDINANCE** rezoning an area generally bounded on the north by the Loosahatchie River, on the east by the I.C. Railroad, on the south by the Wolf River, and on the west by the Mississippi River, up for F I R S T reading.

Consent

Ordinance No. 5078  
Case No. Z 04-131

Applicant: Memphis/Shelby County Office of Planning& Development  
Terry Emerick, Planning Director – Representative

Request: Adopt the comprehensive rezoning of the Frayser Planning District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

67. **ORDINANCE** to amend Chapter 2, Code of Ordinances, City of Memphis, establishing qualifications for members of a Charter Commission, up for F I R S T reading.

Consent

Ordinance No. 5079

ACTION REQUESTED: Adopt the ordinance on First reading

68. **RESOLUTION** approving final plat of JONES WOODARD COWLES SUBDIVISION.

Consent

Case No. S 04-021

Resolution approves the final plat located on the north side of G.E. Patterson Avenue, 130.42 feet west of South Front Street. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

69. **ORDINANCE** rezoning the northwest corner of Appling Road and Goodlett Farms Parkway, containing 35.9 acres in the Light Industrial (I-L[FCD]) District, Fletcher Creek Drainage Basin, up for F I R S T reading.

Consent

Ordinance No. 5080  
Case No. Z 04-126cc  
(Companion Case: PD 04-355cc)

Applicant: Mid-America Baptist Theological Seminary  
Jud TePaske, Fisher & Arnold – Representative

Request: College University (CU) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

70. RESOLUTION declaring Sept. 19 – 26, 2004 as “Memphis Votes Week.”  
Consent

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 5 – Approved
6. Public Hearing Set for September 21, 2004
7. Through 29 – Approved
30. Withdrawn
31. Held until October 5, 2004
32. Approved
33. Through 35 – Approved, as amended
36. Approved
37. Withdrawn
38. Through 70 – Approved

**ACTION TAKEN ON THE MINUTES OF AUGUST 17, 2004**

Approved, with item #31 – PD 04-331cc, amended. Amendments on file in Council Records.